

II. Remarks/Arguments

This Amendment is in response to the Office Action mailed October 20, 2005. Claims 1-37 are pending in this case. Claims 11-16 have been withdrawn from consideration and have herein been canceled. Claims 1-10, 17-31, 36 and 37 have been rejected. Claims 32-35 have been objected to but contain allowable subject matter. Claims 1, 3, 5, 6, 17, 22, 23, 27, 36 and 37 have herein been amended. Claims 7-10, 19-21, 24-26, 28 and 30-35 remain unchanged. Claims 2, 4, 11-16, 18 and 29 have herein been canceled. New Claims 38 and 39 have been added.

Claims 2-6, 14, 18, 23 and 29 have been objected to because of a minor informality. Accordingly, these claims have either been amended to correct the identified minor informality, or have been canceled. As such, it is respectfully submitted that the Examiner's objection has been overcome, and is no longer applicable.

Claims 1-8, 10 and 17-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Manabe et al. (US 4,219,433). Claims 1-7, 10 and 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by EP 020,042. Claims 1-7, 10 and 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by WO 84/02146. Claims 21-24, 26-31, 36 and 37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Manabe et al. (US 4,219,433). Claim 36 has been rejected under 35 U.S.C. §103(a) as being unpatentable over WO 84/02146. Claims 1-6, 8, 10, 17, 18 and 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by Yarham et al. (US 4,379,072). Claims 22, 23 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yarham et al. (US 4,379,072). Claims 1-6, 8, 10, 17 and 18 have been rejected under 35 U.S.C. §102(e) as being anticipated by Naghshineh et al. (US

6,492,308). Claims 21-23, 26-29, 31, 36 and 37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Naghshineh et al. (US 6,492,308). Claims 9, 20 and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Naghshineh et al. (US 6,492,308) as applied to Claims 1-6, 8, 10, 17, 18, 21-23, 26-29, 31, 36 and 37. For the following reasons, the Examiner's rejections are respectfully traversed.

Applicant's amine complexing agent is an alkylamine, and preferably is selected from the group consisting of 3-methoxypropylamine, 4-ethylmorpholine, dimethylaminopropylamine and aminopropylmorpholine. It is respectfully submitted that none of the cited prior art discloses, teaches or suggests the claimed use of an alkylamine, nor one selected from the group consisting of 3-methoxypropylamine, 4-ethylmorpholine, dimethylaminopropylamine and aminopropylmorpholine. To the contrary, the cited prior art references disclose different uses of an alkanolamine. Alkanolamines are organic nitrogen compounds containing an -OH group. These substances must contain "-nol" in their nomenclature, e.g., monoethanolamine, diethanolamine, triethanolamine, aminoethylethanolamine. Alkylamines, on the other hand, are simply amines formed when an alkyl group (e.g. methyl, propyl, ethyl) is attached to the nitrogen of an amine, e.g., ethylamine, propylamine, dimethylaminopropylamine. Applicant has amended the claims, as set forth above, to particularly point out and distinctly claim one or more of the above discussed difference(s). Further, Applicant teaches use of an alkylamine to form aminocarboxylate salts (e.g., Claim 10). Use of alkanolamines would form alkanolamine-carboxylic acids salts.

It is respectfully submitted that none of the prior art of record, either alone or in combination, fairly teaches, suggests or discloses the novel and unobvious features of Applicant's claims as set forth above. Accordingly, Applicant respectfully asserts that the claims

as presented herein are now in condition for allowance. An early notice allowance is respectfully requested.

Claims 1-10 and 17-37 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-17 and 22-29 of copending Application No. 10/832,139. For the following reasons, the double patenting rejection is respectfully traversed.

Claims 1-17 and 22-29 of copending Application No. 10/832,139 recite a hydrotalcite or a hydrotalcite-like material, while the claims set forth herein do not. Further, the claims set forth herein recite an alkylamine or specific alkylamines, while Claims 1-17 and 22-29 of copending Application No. 10/832,139 do not. As such, the respective claims are patentable distinct from each other. Thus, Applicant respectfully requests that the provisional double patenting rejection be withdrawn.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicant. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A Petition for Extension of Time necessary to make this response timely is enclosed, along with form PTO-2038 authorizing a credit card charge of the required extension fee. The Commissioner is hereby authorized to charge any deficient fees or any additional fees which may be required to Deposit Account No. 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

PATULA & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "C. T. Riggs Jr.", written in a cursive style.

Charles T. Riggs Jr.

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